

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 NATIONAL LIFELINE ASSOCIATION,
5 Plaintiff,
6 v.
7 MARYBEL BATJER, et al.,
8 Defendants.

Case No. 20-cv-08312-MMC

**ORDER DENYING DEFENDANTS'
MOTION FOR CLARIFICATION,
AMENDMENT, AND STAY**

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10 Before the Court is defendants Marybel Batjer, Clifford Rechtschaffen, Martha
11 Guzman Aceves, Genevieve Shiroma, and Darcie Houck's (hereinafter, "CPUC
12 Commissioners") "Motion for Clarification or Amendment of Order Issuing Injunction (ECF
13 34) and Judgment (ECF 35) and Temporary Stay," filed June 2, 2021. Plaintiff National
14 Lifeline Association ("NaLA") has filed opposition, to which CPUC Commissioners have
15 replied.

16 Having read and considered the papers filed in support of and in opposition to the
17 motion, the Court hereby DENIES the motion, as follows:¹

18 1. To the extent CPUC Commissioners seek, pursuant to Rule 60(a) of the
19 Federal Rules of Civil Procedure, clarification of the Order Granting Plaintiff's Motion for
20 Judgment on the Pleadings, filed May 5, 2021 ("hereinafter, May 5 Order"), the motion is
21 DENIED. The Court finds, for the reasons stated by NaLA, no clarification is necessary.
22 (See Pl.'s Opp. at 7:6-8:19.)

23 2. To the extent CPUC Commissioners seek, pursuant to Rule 65(d)(1)(A),
24 modification of the permanent injunction issued in the May 5 Order, in particular, to "state
25 the reasons why [the injunction] is issued" (see Defs.' Mot. at 6:8-9), the motion is
26 DENIED. The Court finds, for the reasons stated by NaLA, no such modification is

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28 ¹ By order filed July 7, 2021, the Court took the matter under submission.

1 necessary. (See Pl.'s Opp. at 7:6-8:19, 9:5-7.)


2 3. To the extent CPUC Commissioners seek, pursuant to Rule 65(d)(1)(C),
3 clarification of "what action the order prohibits or requires" (see Defs.' Mot. at 7:12-13),
4 the motion is DENIED. The Court finds, for the reasons stated by NaLA, no clarification
5 of the injunction is necessary. (See Pl.'s Opp. at 10:26-11:37.) Indeed, CPUC
6 Commissioners, in a recently adopted Resolution, have essentially acknowledged their
7 understanding of their obligations thereunder.²

8 4. To the extent CPUC Commissioners seek, pursuant to Rule 59(e), amendment
9 of the Judgment, the motion is DENIED. The Court finds, for the reasons stated by
10 NaLA, CPUC Commissioners have failed to show there exists a cognizable ground for
11 amendment. (See Pl.s' Opp. at 12:3-13:24.)

12 5. To the extent CPUC Commissioners seek, pursuant to Rule 62(d), a stay of the
13 injunction, either through November 30, 2021, the last date on which Decision 20-10-006
14 is effective, or, in the alternative, through a date sufficient to allow them to seek a stay
15 from the Ninth Circuit, the motion is DENIED, CPUC Commissioners having failed to
16 show they are "likely to succeed on the merits" and having made no argument, let alone
17 offered evidence to show, they "will be irreparably injured absent a stay." See Nken v.
18 Holder, 556 U.S. 418, 434 (2009) (setting forth "factors" to be considered when appellant
19 seeks stay pending appeal; noting likelihood of success and irreparable injury are "the
20 most critical").

21 **IT IS SO ORDERED.**

22 Dated: July 8, 2021

23 
MAXINE M. CHESNEY
United States District Judge

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25 ² Subsequent to issuance of the May 5 Order, CPUC Commissioners, on June 3,
26 2021, adopted Resolution L-611, in which they (1) "conclu[ded]" that, "[p]er the District
27 Court's May 5, 2021 Order, the Commission and its staff are enjoined from implementing
28 or enforcing the \$0 co-pay requirements` for Tier 1 (Basic) and Tier 2 (Standard)
California Wireless LifeLine Plans authorized in D.20-10-006," and (2) issued their own
order consistent therewith. See
<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M385/K985/385985125.PDF>.